REMARKS

Claims 1, 2, 4, 5, 9, 10, 14, 15, 19, 20, 24, 25, 28 and 29 remain pending in the present application. Claims 1, 9, 19 and 29 are amended. The Applicants respectfully request

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. Entry of the Amendment is respectfully requested.

Double Patenting

The Examiner provisionally rejected the claims on the ground of non-statutory obviousness-type double patenting as being unpatentable over the claims of co-pending Application No. 10/959,186. It would be premature to submit a terminal disclaimer since the claims in the co-pending Application are still pending. At the appropriate time, the Applicants will submit a terminal disclaimer if necessary to overcome this rejection.

Claims 1, 2, 4, 5 and 29 over Sato in view of Borland and further in view of Young

Claims 1, 2, 4, 5 and 29 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sato, JP027212829A ("Sato"), in view of Borland, U.S. Pat. No. 6,556965 ("Borland") and further in view of Young, U.S. Pat. No. 5,694,467 ("Young"). The Applicants respectfully traverse the rejections.

Claims 1, 2, 4, 5 and 29, as amended, recite a remote handset of a cordless telephone that has an integrated MPEG audio player that sums a synthesized ring tone with an MPEG audio bit stream and that a user can initiate an action to mute music playing from the MPEG audio when the cordless telephone receives a telephone call.

Sato discloses a digital cordless telephone that can play music even in a place distant from a sound source by transmitting and receiving a digital music signal from digital audio equipment or an ISDN line. Abstract. Borland appears to teach a cordless telephone that uses MP3 coding. See

Office Action (pp. 10-11). Young appears to disclose an integrated sound/telephone headset system, where music is played through a separate headset. Although the phone may be operated though the headset, music may not be played from the handset. Sato, Borland and Young, either alone or in combination, do not teach summing a synthesized ring tone with a digital bit audio stream as recited in Claims 1, 2, 4, 5 and 29.

Therefore, even assuming Sato, Borland and Young are properly combinable, these references, either alone or in combination, fail to teach or disclose summing a synthesized ring tone with a digital bit audio stream and muting the playing of MP3 music by the user initiating an action when the cordless telephone receives a telephone call, as recited by claims 1, 2, 4, 5 and 29.

For these and other reasons, claims 1, 2, 4, 5 and 29 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 9, 10, 19 and 20 over Sato in view of Borland and further in view of Tuoriniemi and Young

Claims 9, 10, 19 and 20 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sato in view of Borland and further in view of U.S. Patent No. 5,978,689 to Tuoriniemi et al. ("Tuoriniemi") and Young. The Applicants respectfully traverse the rejections.

Claims 9, 10, 19 and 20 recite pre-loading music into memory of a cordless telephone, summing a synthesized ring tone with a digital bit audio stream, and a user's initiating an action to mute the playing of the pre-loaded MP3 music when a cordless telephone receives a telephone call.

As explained above, Sato, Borland and Young, either alone or in combination, do not teach summing a synthesized ring tone with a digital bit audio stream. Tuoriniemi discloses a personal communication and audio set that is able to play a stored digital audio program (See Fig. 1; col. 9, lines 17-20). Tuoriniemi also fails to disclose summing a synthesized ring tone with a digital bit

audio stream. Thus, even if one assumes that Sato, Borland, Tuoriniemi and Young are properly combinable, they still fail to disclose or suggest summing a synthesized ring tone with a digital audio bit stream, as also recited by claims 9, 10, 19 and 20.

For these and other reasons, claims 9, 10, 19 and 20 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 14, 15, 24, 25 and 28 over Sato in view of Borland and further in view of Segal

Claims 14, 15, 24, 25 and 28 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sato in view of Borland and further in view of U.S. Patent No. 6,167,251 to Segal et al. ("Segal"). The Applicants respectfully traverse the rejections.

Claims 14, 15, 24, 25 and 28 recite downloading a digital bit stream music comprised in an MPEG format to a remote handset directly from a remote bit stream audio source accessible by the remote handset.

The Examiner acknowledges that the assumed combination of Sato and Borland fails to disclose "downloading digital bit stream music comprised in an MPEG format to said handset directly from a remote bit stream audio source and storing said downloaded digital bit stream music in an MPEG format in said remote handset, wherein said downloaded digital bit stream music comprised in an MPEG format is stored in Flash memory in said remote handset." (See Office Action, page 8). The Examiner relies on Segal to remedy this deficiency. The Applicant respectfully disagrees.

Segal appears to disclose a keyless portable cellular phone system having remote voice recognition. Segal does teach downloading digital bit stream music comprised in an MPEG format, but to a cellular telephone. Col. 30, line 15-32. Thus, Segal teaches what is well known in the art, namely downloading digital data to a cellular telephone. Segal, however, fails to disclose or suggest any application to a remote handset of a cordless telephone, much

less disclose downloading a digital bit stream music comprised in an MPEG format to a remote handset directly from a remote bit stream audio source accessible by the remote handset via an Internet, as recited by claims 14, 15, 24, 25 and 28.

Moreover, it is quite different to transmit digital data directly to the handset of a cordless telephone than to a cellular telephone. The handset of a cellular telephone necessary must have the capability of receiving digital data in order to function. The handset of a cordless telephone ordinarily is designed to receive RF signals from the base set. In order to transmit digital data directly from a source to the handset, the handset must be modified to have the capability to receive such data. Therefore, it would not be obvious to modify the assumed combination of Sato and Borland to add the capability of Segal.

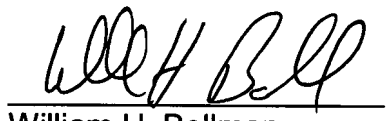
In the Office Action (pp. 13-14), the Examiner argues that the Applicants are improperly attacking the elements of Segal. The Examiner contends that it is Borland that teaches downloading digital bit stream music comprising MPEG format to a remote handset. Borland, however, does not teach using a cordless telephone to play music, even though he was aware that an MP3 encoder was used to play music. Moreover, the Applicants respectfully submit that the Examiner is missing the point of the Applicants' argument. The Applicants are claiming that it is improper to combine elements of a cellular phone with a cordless telephone because of the significant differences between the two types of telephones.

For these and other reasons, claims 14, 15, 24, 25 and 28 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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